

Amendment No. 1 to SB2932

Gardenhire  
Signature of Sponsor

**AMEND Senate Bill No. 2932**

**House Bill No. 2915\***

by deleting the fifth WHEREAS clause in the preamble and substituting the following:

WHEREAS, the Chattanooga-Hamilton County Hospital Authority has, since its formation, operated the Erlanger Health System as a safety-net hospital system, teaching facility, and indigent care provider; and

**AND FURTHER AMEND** by deleting subsections 23(i)-(m) preceding the final sentence of Section 23 in SECTION 1 and substituting:

(i) The nonprofit corporation has agreed to assume full responsibility for the hospital authority's frozen defined benefit pension plan, including, but not limited to, payment of:

(1) At least one hundred percent (100%) of the pension plan's annual actuarially determined contribution, including the normal cost of benefits and the amortization of the pension plan's unfunded accrued liability, and any payment due pursuant to subsection (l);

(2) The costs associated with maintaining the plan's qualified plan status;  
and

(3) The costs associated with the administration of the pension plan;

(j)

(1) Within ninety (90) days from the date of formation of the nonprofit corporation, the nonprofit had requested a ruling from the Pension Benefit Guaranty Corporation that the frozen defined benefit pension plan is subject to requirements established by the Pension Benefit Guaranty Corporation and

contained in the Employee Retirement Income Security Act of 1974, as amended; and

(2) The nonprofit corporation has agreed that:

(A) If the Pension Benefit Guaranty Corporation does not provide a ruling or provides a ruling indicating that the nonprofit corporation is not subject to the requirements established by the Pension Benefit Guaranty Corporation and contained in the Employee Retirement Income Security Act of 1974, as amended, the nonprofit corporation will continue to voluntarily comply with the requirements of the Public Employee Defined Benefit Financial Security Act of 2014, as amended, until the Pension Benefit Guaranty Corporation confirms coverage of the assumed frozen defined benefit pension plan; and

(B) Upon a ruling from the Pension Benefit Guaranty Corporation that the frozen defined benefit pension plan is subject to the requirements established by the Pension Benefit Guaranty Corporation and contained in the Employee Retirement Income Security Act of 1974, as amended, the nonprofit corporation shall make the annual premium payments required by the Pension Benefit Guaranty Corporation and shall contribute any premiums refunded by the Pension Benefit Guaranty Corporation to the frozen defined benefit pension plan's unfunded liabilities;

(k) The nonprofit corporation has agreed to comply with the requirements of the Public Employee Defined Benefit Financial Security Act of 2014, as amended; and

(l) The nonprofit corporation has agreed to use the net proceeds received from a sale or lease of all, or substantially all, of the assets of the nonprofit corporation to fund no less than one hundred percent (100%) of the frozen defined benefit pension plan's

annual actuarially determined contribution and all annual and cumulative pension plan deficits until the pension plan is one hundred percent (100%) funded.